Exhibit 7

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

NEONODE SMARTPHONE LLC,
Patent Owner.

IPR2021-01041
Patent 8,095,879 B2

Record of Oral Hearing
Held: October 17, 2022

BEFORE: KARA L. SZPONDOWSKI, CHRISTOPHER L. OGDEN, and SCOTT B. HOWARD, Administrative Patent Judges.

A P P E A R A N C E S

ON BEHALF OF THE PETITIONER:

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The above-entitled matter came on for hearing on Monday, October 17, 2022, commencing at 1:02 p.m. EST at the San Jose, California USPTO Regional Office.

why gliding away is any movement or, at a minimum, why it encompasses a flick and an insert gesture.

The petition provided no claim construction on what gliding away is, let alone show it is any movement.

Slide 24. They presented no other evidence, no dictionary definitions, no industry usage, no common usage, nothing, not one word on why glide is any generic movement with a direction that is just added in our argument now.

Going to Slide 25. The reason they didn't try that is that they couldn't. Any cursory review of any dictionary definition, any other extrinsic evidence will clearly show that a glide is a distinct gesture from a flick.

Now, Slide 25, as I mentioned already, we have provided dictionary definitions, not just from today but from back in 1993, around the time of Robertson, all showing consistently that a flick is a light, sharp, jerky stroke or movement. A light, quick, low jerk or touch. A sudden sharp movement.

Now, that's nothing like a glide, which again consistently requires a smooth, continues, and effortless movement.

So based on the plain meaning of these terms, as our evidence shows and that there's no contradicting evidence, I want to emphasize that, a glide and a flick, and their flicks are distinct movements.

required for the claim, and I'll get to those slides.

We are not proposing that the representation of a function can only be activated with one gesture. And that's Petitioner's unsupported construction, but that's not how we are construing the claim.

So even if Neonode's phone, that representation at the bottom would be activated by both a gliding away and a flick, we don't believe that would fall outside of the scope of the claim.

JUDGE HOWARD: So you're saying the claim needs -- something that's covered by the claim would need to determine the speed in which to determine whether or not something is a flick or a glide in order to be covered by the claim? Am I understanding that correctly?

MR. HENDIFAR: So we are saying that the representation should at least be activated by a gliding away. Whether it can also be activated by a flick, it may or may not be. The claim doesn't require one way or another.

JUDGE HOWARD: It seems to me you want your cake and eat it, too. You want a glide when you want a glide, but for purposes of prior art you want smooth, and it seems to me you want to reserve the right to, well, if it's a fast, quick movement, we still won't allow that in terms for infringement.

Shouldn't you just have one claim that's there? I

activating by a flick, and there is no gliding away in Robertson.

JUDGE HOWARD: Okay. But my point is that I'm not sure there's a difference between a flick or a glide if you're saying that in order to practice the claim you don't need to keep track of the speed.

If you need --

MR. HENDIFAR: I didn't say that.

JUDGE HOWARD: -- to keep track of the speed -- well, let me ask you.

In order to practice the claim, does something have to keep track of the speed and determine whether it's a smooth motion or a quick motion?

MR. HENDIFAR: You have to keep track of the characteristics of the motion, whether it's speed or acceleration or distance. That was not an issue -- I mean, because all the different systems can keep track of different characteristics.

But, yes, you do have to keep track of the characteristics that would make it a gliding as opposed to a flick.

JUDGE HOWARD: Right. And if it's a flick, it's not going to make the function activate because there's only one way to make the function activate.

I mean, I'm just reading the words. The words are

also incorrect to say that our expert even suggested such a thing.

What Dr. Rosenberg explained was whether a specific movement is a swipe/glide or a flick depends on the context.

So for example, if you have a screen that is 20 inches wide, as opposed to a screen that is 3 inches wide, a specific movement that may be a flick in one may not be a flick in the other. So it's a context-dependent distinction depending on various factors such as the size of the screen.

That doesn't make our distinction arbitrary, as evidenced by the fact that everybody in the industry is able to distinguish between those two movements.

JUDGE OGDEN: Well, it does make it difficult for us to understand the difference between a flick and a glide. It seems like we may have to make that distinction.

So what sort of guidance do we have, especially in the patent itself?

MR. HENDIFAR: Yes. So you actually don't have to delineate the actual distinction between a flick and a glide. This is not the case where we have a specific movement with a given characteristic.

So this is not the case where we have a reference that says here's a movement with this speed, this

do I slide left, what gesture do I implement to the user so that I get the action that I want.

Now, going to Slide 59. The applicant distinguished Hirshberg because it said Hirshberg teaches a touch and glide operation only for keys that comprise several characters, meaning only for keys that give the users several options on what to do, depending on the input gestures.

In distinction, the claimed invention uses a multistep touch and glide operation for representation that consists of only one option for activating a function.

Going to Slide 60. And I think Judge Ogden raised this point. Robertson in this respect is indistinguishable from Hirshberg.

Now, Petitioner tries to overcome that by playing with the mapping. They remapped the function to this, they mapped it to that. But the reality of the matter is, Robertson has an X button that gives the user multiple options on what to do, depending on the input gestures, exactly like Hirshberg, which gave the user multiple options on as what to do depending on the user gesture.

So we submit that Robertson is exactly like Hirshberg with respect to the point that was actually distinguished from in the prosecution.

JUDGE OGDEN: Counsel, I see a little bit of tension

perhaps between what you're arguing that the prosecution history means and the plain language of the claim.

Because if we put aside the prosecution history for a moment and just looked at the plain language, it seems like it could be read to say that a representation could have multiple functions and that there's only one option for activating each of the functions that could be associated with that representation.

Is that a tension and does the prosecution history explain that so that a person of ordinary skill in the art would have understood that the prosecution history is sort of modifying what the literal language of the claim is trying to say?

MR. HENDIFAR: So, first, we can't disregard the prosecution history. Case after case holds that you must construe the claims in light of the intrinsic record, a part of which is the prosecution history, and whereas here, the limitation was specifically added for a specific purpose to disclaim, distinguish. However you guys -- Your Honors want to phrase that -- I apologize -- the fact is that limitation was added for that purpose so we can't disregard the prosecution history.

But we are not arguing that the representation must only have one function. That's not what we're arguing. So if Your Honors would go to Slide No. 65.

Petitioner is correct insofar as, in the specification, a representation can at different times have multiple functions. Yes.

The point is, at any given time, the user is given only one option in terms of what gesture to put in and what action to take. So the user -- let me step back.

So one of the features that the Neonode phone was praised for was the simplicity. So you don't have to memorize 20 different gestures from Robertson and, when you try to activate something, think, okay, do I have to go up, or left, or button, or do I do a caret? You don't have to memorize any of that. It's a simple one-option activation.

You swipe, the device activates what it activates. It can be one function or a different function, but the user is given only one option in terms of what to activate and what option to take.

So we submit that it's not proper to review the claim language divorced from the prosecution history. To the extent Your Honors would like to review that as a disclaimer or a modification of the claim language, that's fine, but the prosecution history is clear in that respect.

JUDGE OGDEN: So your initial 45 minutes are up, but if you want to continue, you can continue as long as you'd like.

MR. HENDIFAR: Thank you. I'll go for another maybe